

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAFAEL RIVERA-HERNANDEZ,

Defendant.

Case No. 20-CR-30-17-JPS

ORDER

On February 11, 2020, the Grand Jury returned a forty-four-count indictment (the “Indictment”), in which it charged Defendant with violations of 21 U.S.C. §§ 841(b)(1)(B) and 846 (“Count One”) and 18 U.S.C. § 924(c)(1)(A)(i) (“Count Four”). (*See* Docket #151). On August 5, 2021, the parties filed an Amended Plea Agreement. (Docket #581). Thereafter, the parties appeared before Magistrate Judge William E. Duffin for a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #659). At the hearing, Defendant pleaded guilty to Count One of the Indictment. (*Id.*) After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Judge Duffin determined that Defendant’s guilty plea was knowing and voluntary and that the offense charged was supported by an independent factual basis containing each of the essential elements of the offense. (Docket #660 at 1).

Now before the Court is Magistrate Judge Duffin’s Report and Recommendation, in which he recommends that (1) Defendant’s guilty plea be accepted; (2) a presentence investigation report be prepared; and (3) Defendant be adjudicated guilty and have a sentence imposed accordingly. (*Id.* at 2). Pursuant to General Local Rule 72(c), 28 U.S.C. § 636(b)(1)(B), and

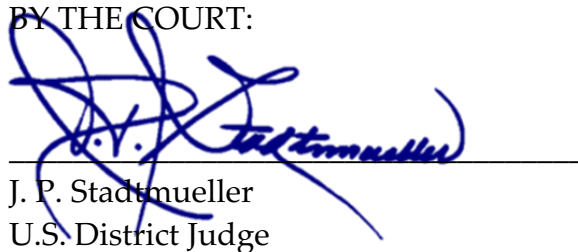
Federal Rule of Criminal Procedure 59(b), Magistrate Judge Duffin advised the parties that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. (*Id.*) Neither party has filed such an objection. The Court has considered Magistrate Judge Duffin's recommendation and, having received no objection(s) thereto, will adopt it.

Accordingly,

IT IS ORDERED that Magistrate Judge Duffin's Report and Recommendation (Docket #660) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 29th day of October, 2021.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge